REMARKS

Applicants thank the Examiner for the courtesy of a telephonic interview on October 30, 2008. Applicants' representative Frank R. Agovino and Nancy A. Swiezynski, discussed aspects of the present invention in view of U.S. Patent No. 6,496,206 to Mernyk et al. and U.S. Patent No. 6,622,168 to Datta with Examiner Schwartz. In particular, the manner in which the present invention identifies and limits the data that is pre-cache was distinguished over the teachings of the cited art. No demonstration was given, no agreement was reached, and no exhibit was shown.

Applicants have thoroughly considered the Examiner's remarks in the FINAL Office action dated December 11, 2008 and have amended the application to place the application in better form for appeal. This Amendment E amends claim 9 and adds no new matter to the claims.

Claims 1, 3, 9, 11-14, and 20-22 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Claim Objections

Claim 9 is objected to for its improper dependent form. Claim 9 has been amended so that it properly depends from independent claim 1. Thus, Applicants respectfully request the withdrawal of the objection to claim 9.

Claim Rejections Under 35 U.S.C. § 103(a)

A. Claims 1, 3, 11, 20, and 22

Claims 1, 3, 11, 20, and 22 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,496,206 to Mernyk et al. (Mernyk) in view of U.S. Patent No. 6,622,168 to Datta (Datta). Applicants respectfully disagree. None of the cited references, alone or in combination, disclose or suggest each and every feature claimed in the rejected claims.

Claim 1 is directed to a method for providing thumbnail data associated with icons located in a viewable interface. Specifically, claim 1 highlights the feature of limiting the amount of thumbnail data that is pre-cached to a predetermined number of the icons located in the viewable interface/window. (Application, page 6, lines 27-29). *ONLY* the identified additional icons are pre-cached (see the last subparagraph of independent claims 1and 20). As

such, *the number of icons for which thumbnail data is pre-cached will be <u>less than</u> or equal to the number of icons located in the window.* Accordingly, the limited number of icons are identified from the icons located in the viewable interface based on an icon that is hovered over (e.g., using a cursor) *and the locations of the other icons in the viewable interface relative thereto.* Limiting the pre-cached data in this manner advantageously limits the amount of thumbnail data retrieved and stored in the RAM in the interest of saving system resources. (Application, page 6, lines 16-18).

For example, the method may "limit the number of icons that include thumbnail data to two (2) in the vicinity of an icon hovered over by the pointer." (Application, page 6, line 30 - page 7, line 1). According to the viewable interface having 8 icons illustrated in FIGS. 2 and 4, when the "Accotink1.jpg" icon is hovered over, "the thumbnail data associated with the 'Accotink2.jpg' and 'Rejections.ppt' would be loaded into the RAM" since they are the two closest icons to the hovered icon. (Application, page 7, lines 2-3). "The thumbnail data associated with the icon connected to 'RobertaSacchi.jpg' would therefore, in this case, not be loaded into the RAM." (Application, page 7, lines 3-4).

To this end, the method of claim 1 includes "sensing the presence of an indicator in a vicinity of an icon having associated thumbnail data representative of content of an associated object." The "icon and a plurality of additional icons are located within a viewable interface." Each of the additional icons have associated thumbnail data representative of content of an associated object. The method includes "rendering a superimposed view of at least a portion of the thumbnail data, the superimposed view rendered in the vicinity of the icon." The method includes "in response to [the] sensing, *identifying a predetermined number of the plurality of additional icons based on the <u>locations within the window of the plurality of additional icons relative to said icon</u>*" and "in response to [the] identifying, pre-caching thumbnail data *<u>ONLY</u>* for the identified additional icons" (emphasis added).

Mernyk merely discloses a method of displaying a thumbnail relating to an electronically-stored file in an electronically-stored folder capable of retaining a plurality of files and fails to provide the benefit of limiting the amount of thumbnail data retrieved and stored. Mernyk neither teaches nor suggests limiting the amount of thumbnail data retrieved to be the lesser of a predetermined number of icons and the total number of icons located in a window. Contrary to the claimed method, Mernyk teaches that for a particular folder having files therein

"[t]humbnail data is derived for _**each file in the folder**_ . . . and stored in a cache." (Mernyk, col. 2, lines 63-65).

Moreover, Mernyk teaches away from the pre-caching limits of present invention by _**requiring that the number of files for which data is pre-cached to be greater than or equal to the number of displayed icons.**_ Specifically, Mernyk teaches that for a particular folder having files therein "[a]t least one icon relating to a file retained in the folder is displayed" but "thumbnail data is derived for _**each file in the folder**_ . . . [and] stored in a cache." (Mernyk, col. 2, line 63 to col. 3, line 8). Since Mernyk fails to teach or suggest limiting the number of files for which thumbnail data will be pre-cached, as correctly noted by the Office, Mernyk fails to teach or suggest "identifying a predetermined number of the plurality of additional icons based on the locations within the window of the plurality of additional icons relative to [the indicated] icon" and "pre-caching thumbnail data only for the identified additional icons" as set forth in claim 1.

Datta fails to cure the deficiencies of Mernyk. Datta teaches a preloader that works in conjunction with a web/app server and a profile server to cache web page content elements for faster on-demand and anticipatory dynamic web page delivery. (Datta, col. 3, lines 9-11). "The preloader uses a cache manager to manage requests for retrievals, insertions, and removal of web page components in a component cache" and "a cache replacement manager to manage the replacement of components in the cache." (Datta, col. 3, lines 14-16). "The cache replacement manager may utilize any cache replacement policy." (Datta, col. 3, lines 16-17). However, as noted by the Office (Office action, pages 3-4), Datta points out that "a particularly effective replacement policy utilizes predictive information to make replacement decisions." (Datta, col. 3, lines 17-19). "Such a policy uses a profile server, which proves a means of predicting a user's next content request . . . thus improving a web site's scalability." (Datta, col. 3, lines 19-25).

However, nothing in Datta even suggests that the number of components in the cache are less than or equal to the number of components displayed in the viewable interface. Instead, Datta predicts a webpage that the user is likely to access based on the user's "clickstream" and pre-caches content associated with the predicted webpage. In particular, Datta explains when "a user visit[s] a web site that employs the profile server 300", the Profile Manager "determin[es] the user's current clickstream." (Datta, col. 9, lines 36-43). "A clickstream is simply a series of recorded user actions (e.g., clicks on web page hyperlinks) in the sequence in which the user

took the actions." (Datta, col. 9, lines 31-34). "Upon receiving the user's click information, the profile server 302 performs two tasks. First, the profile server 302 updates the user's clickstream. Second, the profile server 302 generates a hint. A hint is simply a set of action-node-probability tuples, which represent actions that the user is likely to take on a particular node, together with the corresponding probability that the user will choose the action-node, given his current clickstream. When the web/app server receives a hint from the profile server 302, it . . . may be used to pre-generate and cache pages or components of pages." (Datta. col. 10, lines 51-67).

Datta provides an "example of a user who visits a favorite online bookseller. Assume that the user enters the site at the web site's home page, then navigates the following path: Fictions--> Thriller-->.Legal-->Thriller. The Preloader-enabled web .site (sic) can maintain detailed behavioral data about visitors to the site, so the web site is able to recognize that users who navigate the Fiction-->Thriller-->.Legal Thriller path most often visit the John Grisham link next. With the Preloader application installed, the web site can cache content elements associated with the John Grisham link so that it is immediately available when a user requests it." (Datta, col. 11, lines 58-64).

In other words, Datta pre-caches those components for a web page likely to be visited by a user rather than "pre-caching thumbnail data _**only**_ for the identified additional icons" "located within [the] viewable interface" as recited by claim 1. Moreover, Datta determines which components will be pre-cached based on the components the user has selected in the past rather than the "locations within the window of the plurality of additional icons relative to [the indicated] icon" as recited by claim 1.

As such, Mernyk and Datta, whether read alone or in combination, fail to disclose or suggest each and every limitation of claim 1. Applicants submit that the rejection of claim 1 should be withdrawn. Claim 20 includes limitations similar to those included in claim 1. As such, Applicants submit that Mernyk and Datta fail to disclose or suggest each and every limitation of claim 20. Amended claim 20 is allowable for at least the same reasons that claim 1 is allowable. The claims that depend from amended independent claims 1 and 20 are allowable for at least the reasons that the independent claims from which they depend are allowable.

B. Claims 12-14 and 21

Claims 12-14 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,496,206 to Mernyk et al. (Mernyk) in view of U.S. Patent No. 6,750,890 to Sugimoto (Sugimoto) and in further view of U.S. Patent No. 6,622,168 to Datta (Datta). Applicants respectfully disagree. None of the cited references, alone or in combination, disclose or suggest each and every feature claimed in the rejected claims.

Claim 12 is directed to a method for displaying thumbnail data associated with at least of a plurality of icons located in a window. Specifically, the method of claim 12 limits the amount of thumbnail data retrieved to be the _**lesser**_ of a predetermined number of icons and the total number of icons located in a window. _**As such, the number of icons for which thumbnail data is pre-cached will be less than or equal to the number of icons located in the window.**_ Advantageously, the method of claim 12 limits the amount of thumbnail data retrieved and stored in the RAM in the interest of saving system resources. (Application, page 6, lines 16-18).

To this end, the method of claim 12 includes "identifying a predetermined maximum number of icons for which thumbnail data will be pre-cached, said predetermined maximum number of icons being independent of the total number of icons located in the window" and "comparing the total number of icons located in the window to the pre-determined maximum number of icons." The method includes "pre-caching the thumbnail data for a particular number of the plurality of icons located in the window based on said comparing." The "_**particular number is the pre-determined maximum number when said predetermined maximum number is less than or equal to the total number**_." The "_**particular number is the total number when the predetermined maximum number is greater than said total number**_." The method includes displaying the pre-cached thumbnail data associated with one of the plurality of icons when an indicator is hovered substantially over said icon."

As discussed above, Mernyk fails to teach or suggest limiting the number of icons in the window for which thumbnail data is pre-cached. In particular, Applicants disagree with that the language cited by the Office arguing that Mernyk teaches or suggests pre-caching thumbnail data for a particular number of icons based on a comparison of the total number of icons located in the window to the pre-determined maximum number of icons as required by claim 12. (Office action, page 6). Specifically, the language of Mernyk cited by the Office states "[w]hen a particular folder having files therein is opened by the user, a corresponding 'cache folder' is created on an ad-hoc basis. The cache folder is a folder of files of thumbnail data, but each file

in the cache folder corresponds to and is associated with a file in the folder which is displayed to the user." (Mernyk, col. 4, lines 40-45). Thus, Mernyk does not teach that thumbnail data is cached for a file as a function of a pre-determined maximum number of icons. Instead, Mernyk teaches that thumbnail data is cached for each file being displayed.

In fact, Mernyk teaches away from the pre-caching limits of present invention by ***requiring that the number of files for which data is pre-cached to be <u>greater than</u> or equal to the number of displayed icons.*** Specifically, Mernyk teaches that for a particular folder having files therein "[a]t least one icon relating to a file retained in the folder is displayed" but "thumbnail data is derived for ***<u>each file in the folder</u>*** . . . and stored in a cache." (Mernyk, col. 2, line 63 to col. 3, line 8).

Sugimoto fails to cure the deficiencies of Mernyk. As pointed out by the Office, Sugimoto recites when "the maximum number of displayable history information is equal to the number of history information which can be displayed in the auxiliary region, by employing a scrolling method, the maximum number of displayable history information may be made ***<u>greater</u> <u>than</u> the number of history information which can be displayed*** in the auxiliary region. (Emphasis added; Office action, page 6 citing Sugimoto, col. 34, lines 6-12). Thus, Sugimoto fails to teach a method that limits the number of history information items which are cached. In fact, the teachings of Sugimoto cited by the Office teach away from this aspect of the present invention by teaching a method that allows an unlimited number of history information items to be cached. Thus, Sugimoto fails to teach or suggest "pre-caching the thumbnail data for a particular number of the plurality of icons located in the window . . . wherein said particular number is the ***pre-determined maximum number when said predetermined maximum number is <u>less than or equal</u> to the total number***, and wherein said particular number is the ***total number when the predetermined maximum number is <u>greater</u> than said total number***."

Datta fails to cure the deficiencies of both Mernyk and Sugimoto. As discussed above in connection with claims 1 and 20, Datta pre-caches components for a web page likely to be visited by a user rather. Nothing in Datta teaches or suggests limiting the number of pre-cached components based on the number of icons displayed in the window. Thus, like Merynk and Sugimoto, Datta fails to teach or suggest "pre-caching the thumbnail data for a particular number of the plurality of icons located in the window . . . wherein said particular number is the ***pre-determined maximum number when said predetermined maximum number is <u>less than or</u>***

***equal* to the total number**, and wherein said particular number is the ***total number when the predetermined maximum number is** **greater** **than said total number**."

As such, Mernyk, Sugimoto, and Datta whether read alone or in combination, fail to disclose or suggest each and every limitation of claim 12. Applicants submit that the rejection of claim 12 should be withdrawn. Because claim 21 includes limitations similar to those included in claim 1, Applicants submit that Mernyk, Sugimoto, and Datta whether read alone or in combination, fail to disclose or suggest each and every limitation of claim 21. Claim 21 is allowable for at least the same reasons that claim 12 is allowable. The claims that depend from independent claims 12 and 21 are allowable for at least the reasons that the independent claims from which they depend are allowable.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims 1, 3, 9, 11-14, and 20-22 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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